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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/220,462 12/23/98 TONNA C 4167-05

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PM82/0830

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TEN FARM SPRINGS
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EXAMINER

MCALLISTER, S

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 08/30/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/220,462

Applicant(s)
Tonna et al

Examiner
Steven B. McAllister

Group Art Unit
3652



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-38 is/are pending in the application.

Of the above, claim(s) 2, 7-15, and 22-38 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3-6, and 16-21 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Dec 23, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4,6

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Species 1, Fig. 1; Species 2, Fig. 3; Species 3, Fig. 4; Species 4, Fig. 5; and Species 5, Fig. 7. Within each species listed above are the following subspecies: Subspecies 1, Fig. 9; Subspecies 2, Fig. 11; Subspecies 3, Fig. 12B; and Subspecies 4, Fig. 13B.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 and claim 16 are generic.

Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to

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be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Randy G. Henley on 8/25/00 a provisional election was made without traverse to prosecute the invention of Species 1, Subspecies 1, claims 1, 3-6, and 16-21. Affirmation of this election must be made by applicant in replying to this Office action. Claims 2, 7-15, and 22-38 were withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

Drawings

4. The drawings are objected to because Fig. 2 is missing. Correction is required.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

6. Claims 1, 3-6, and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Princell (5,797,471).

Princell shows a car with a front face defining a door opening (see Fig. 1); at least a door 16, 18 on the front face; and a drive motor 74, 76, 78, 49 disposed between a lower edge and a top edge of the car, the motor being coupled to the doors.

As to claims 3 and 4, Princell shows a header bracket 20 between top and bottom edges and above the door opening, the drive motor mounted on the header (see Fig. 3). It further shows

As to claim 5, Princell shows the motor having a first sheave 49 and shows the elevator having a second sheave 54 on the second side with a rope forming a closed loop between them (col. 3, lines 28-40).

As to claim 6, Princell shows an upper portion (the part from the upper end of the sheave 44 to the second sheave 54) and a lower portion (the part from the lower end of the sheave 44 to the second sheave), a second door and a second coupling means.

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As to claims 16-21, as broadly claimed the motor 74, 76, 78,46 of Princell comprises several flat surfaces and is generally thin so as take up little room. The motor is, as broadly claimed, a flat motor.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masatake.

Princell discloses all elements of the claims except a flat motor. Masatake shows a flat motor 8,9 used to slide a panel 7. It would have been obvious to one of ordinary skill in the art to modify the motor assembly of Princell by adding a flat motor in order to produce a compact assembly.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052.

St B. McAllister
Steven B. McAllister

August 26, 2000

Robert P. Olszewski 8/28/00
ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600